

RESOLUTION NO. 58-95

HOMESTEAD COUNTY ROAD IMPROVEMENT DISTRICT
NAVAJO COUNTY, ARIZONA

RESOLUTION AUTHORIZING AND DIRECTING ISSUANCE AND SALE OF \$15,030.40 PRINCIPAL AMOUNT OF HOMESTEAD COUNTY ROAD IMPROVEMENT DISTRICT, NAVAJO COUNTY, ARIZONA, ROAD IMPROVEMENT BONDS OF 1995, DETERMINING THE DETAILS THEREOF; DETERMINING AND PROVIDING FOR PAYMENT OF THE COST OF ISSUANCE; AND THE CERTIFICATION OF THE ASSESSMENT ROLL; AUTHORIZING THE BOARD TO EXECUTE THE CLOSING CERTIFICATE, AND RATIFYING THE EXECUTION OF THE CONSTRUCTION CONTRACT

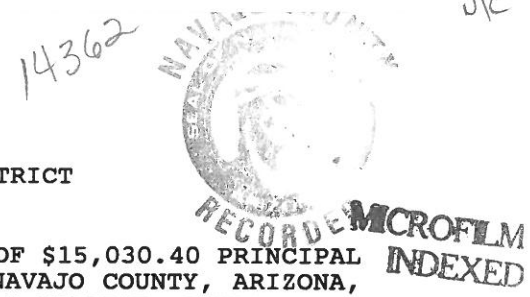
1. "Board" shall mean the Board of Supervisors of Navajo County, Arizona, ex officio Board of Directors of the Homestead County Road Improvement District;
2. "Chairman" shall mean the Chairman of the Board of Supervisors for Navajo County, ex officio Chairman for the Homestead County Road Improvement District.
3. "Clerk" shall mean Judy Jones, the Clerk of the Board of Supervisors of Navajo County, Arizona, ex officio Clerk of the Board of Directors of the Homestead County Road Improvement District;
4. "District" or "Improvement District" shall mean the Homestead County Road Improvement District authorized to grade, fill and pave roads within the District pursuant to Title 48, Chapter 6, Article 1 of the Arizona Revised Statutes;
5. "District Engineer" shall mean the Navajo County Engineer;
6. "Notice" shall mean the Homestead County Road Improvement District Road Improvement of 1995;
7. "Project" shall mean the Homestead County Road Improvement District Road Improvement of 1995;
8. "The Bond" or "The Bonds" shall mean the Homestead County Road Improvement District Road Improvement Bonds of 1995;
9. "Treasurer" shall mean the Navajo County Treasurer;

WHEREAS, on June 5, 1995, the Board passed and adopted Resolution No. 38.95 which declared its intention to improve the property within the Improvement District through the construction and installation of road improvements, determined that Improvement Bonds be issued to represent the costs and expenses thereof and that the costs and expenses thereof be assessed upon the Improvement District, and provided that the proposed work or improvement be performed under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes; the said work or improvement, the Improvement District to be assessed, and the Improvement Bonds to be issued are more fully described in Resolution No. 38-95 to which reference is hereby made for such descriptions; and

WHEREAS, Resolution No.38-95 was published as prescribed by law; and

WHEREAS, the District caused to be posted along the line of said proposed work or improvement at not more than three hundred (300) feet apart, notices of the passage of Resolution No.38-95 and further caused said notice to be mailed to all property owners within said Improvement District; and

WHEREAS, no protests against the proposed work or improvement or objections to the extent of the District described in Resolution No. 38-95 were found to be sufficient; and



WHEREAS, on July 10, 1995, the Board passed and adopted Resolution No.49-95 which ordered that the proposed work or improvement be done as described in Resolution No.38-95 and in accordance with the plans and specifications heretofore approved and adopted by the Board; and

WHEREAS, the Board prepared and executed a notice of the passage of Resolution No.49-95 and a notice inviting proposals for the construction of the work or improvement and caused said notices to be posted and published as prescribed by law; and

WHEREAS, the Board has heretofore received a construction cost estimate of the improvements described in Resolution No.38-95 and as shown on the plans and specifications known as the Homestead County Road Improvement District Road Improvement of 1995; and

WHEREAS, on July 10, 1995, the Board passed and adopted Resolution No.50-95 which approved the contract for the construction of the Project; and

WHEREAS, the District has heretofore levied and recorded an assessment for the District and the Board has delivered the Assessment to the Treasurer to collect the several assessments; and

WHEREAS, the Assessment was returned by the Treasurer as prescribed by law; and

WHEREAS, the certified list of unpaid assessments for the District has been filed with the Clerk; and

WHEREAS, at any time after the recording of the return of the Assessment and after approving the contract, the Board may, by resolution, direct that Improvement Bonds be issued in an amount which shall not exceed the total amount of all unpaid assessments greater in amount than \$25.00 as shown on the certified list of unpaid assessments; and

WHEREAS, on July 10, 1995, the District and the County entered into a contract whereby the County agreed to construct the Project in accordance with the plans and specifications and its proposals; and

WHEREAS, the District has agreed to sell the Bonds to Navajo County; and

WHEREAS, by this Resolution the Board desires to (i) authorize the issuance of \$15,030.40 in principal amount of bonds payable from unpaid special assessments levied upon the lots, pieces and parcels of land included within the boundaries of the District benefiting from the Project; (ii) ratify all acts of the Board taken with respect to execution and circulation of the Notice and the receipt of such proposals; (iii) prescribe the form of such Bonds; (iv) ratify the certification of the assessment roll by the Superintendent of Streets and (v) ratify and confirm all prior acts of the Board, the District Engineer, the Superintendent of Streets and (v) ratifying and confirm all prior acts of the Board, the District engineer, the Superintendent of Streets, and the Treasurer, with respect to the Improvement District; and

WHEREAS, at all times pertinent hereto, the District has been in full compliance with Arizona Revised Statutes Section 38-431 et seq. pertaining to the conduct of its meetings and the provision of lawful notice therefore; and

WHEREAS, all things required to be done preliminary to the authorization and issuance of the Bonds have been duly done and performed in the manner required by law, and the Board is now empowered to proceed with the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HOMESTEAD COUNTY ROAD IMPROVEMENT DISTRICT, NAVAJO COUNTY, ARIZONA THAT:

- Section 1. It is hereby determined that the amount of assessment with respect to the District remaining unpaid is \$15,030.40.
- Section 2. The Notice, as published in the Official Statement relating to the Bonds, is hereby incorporated into this Resolution and made a part hereof, as if fully set forth herein.
- Section 3. For the purpose of paying the cost of the construction of the improvements and incidental costs, more particularly described in Resolution No.38-95 adopted on June 5, 1995, there is hereby authorized the issuance and sale of \$15,030.40 in principal amount of Bonds of the District to be designated "Homestead County Road Improvement District, Navajo County, Arizona, Road Improvement Bonds of 1995" (the "Bonds"). The Bonds shall be dated September 5, 1995, shall be in the denomination of \$5,000.00. Bonds shall bear interest at the rate of eight and one-half percent (8½%) for all maturities. Which interest shall be payable on January 1, 1997, and semiannually thereafter on January 1 and July 1 of each year during the term of each of the Bonds. The principal of the Bonds shall be surrender thereof at the office of the Navajo County Treasurer. Interest on the Bonds shall be payable by draft to Navajo County. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America, the Bonds to mature on the dates and in the amounts as follows:

<u>Maturity Date</u>	<u>Amount</u>
January 1, 1997	\$5,030.40
January 1, 1998	\$5,000.00
January 1, 1999	\$5,000.00

- Section 4. All Bonds are subject to redemption prior to their respective maturities.
- Section 5. The Bonds shall be executed on behalf of the District by the facsimile signature of the Chairman of the District and attested by the facsimile signature of the Clerk of the Board.
- Section 6. The Bonds shall be in substantially the form, as set forth in Exhibit "A" attached hereto, with such necessary or appropriate variations, omissions and insertions as may be consistent with the terms of this Resolution or the Notice and approved by the Board.
- Section 7. For the purposes of providing for the payment of the principal of and interest on the Bonds, as and when the same shall become due and payable, the Governing Body of the District shall cause to be levied and collected the semi-annual assessment installments to be paid by the owners of properties within the Improvement District, all as shown on the recorded Assessment. All assessments shall be collectable in the manner and by the officers provided by the law for the collection and enforcement of general taxes levied by the District in accordance with Arizona Revised Statutes Section 48-946, as amended. All proceeds of such assessments shall be placed in a special fund to be created by the Treasurer to be known as the "Homestead County Road Improvement District Special Bond Fund" hereby established pursuant to Section 48-933 Arizona Revised Statutes, as amended, and shall be applied to the payment of the principal of, and interest on the Bonds, by payment to the Navajo County Treasurer. In addition, subject to the conditions set forth in the Notice, property owners subject to assessment may at any time prior to the expiration of the term of this bond issue, pay off the assessments on any parcel of property, along with all applicable

interest amounts as set forth in the Notice. The proceeds of such payoffs shall be accounted for separately and shall, as provided in this Resolution, be used to call Bonds for redemption prior to their maturity. Any payoff monies shall be invested by the Treasurer in lawful investments as prescribed by statute for investing sinking funds of the State of Arizona or any political subdivision thereof, and the proceeds of such investments shall be applied to the redemption of Bonds prior to maturity. The Bonds shall not constitute a general obligation or indebtedness of the District or Navajo County, Arizona but shall be payable solely from the proceeds of said assessment installments or payoffs plus premiums and penalties as provided herein.

- Section 8. The sale of the Bonds to Navajo County at a purchase price of \$15,030.40 is hereby approved and the Chairman and the Clerk of the District are hereby authorized to indicate such approval by execution of such proposal submitted to the Board, and the Treasurer is hereby authorized to deliver the Bonds to Navajo County. The proceeds from the sale of the Bonds shall be deposited with the Treasurer and held for the credit of the District. The proceeds from the sale of the Bonds shall be applied to the payment of the cost of improving certain roads within the Improvement District, and incidental expenses in accordance with the approved plans, specifications and bid documents prepared by the District Engineer. Pending use of the Bonds proceeds, the Treasurer shall invest the Bond proceeds in any investments for which sinking funds of the State of Arizona or any political subdivision thereof may be invested or in the pooled investment fund established pursuant to Arizona Revised Statutes Section 35-326. Upon the approval of the assessment and the completion of construction, all monies remaining in the Construction Fund not expected to be used to pay (i) the final amounts owed to Navajo County, (ii) interest on the Bonds, or (iii) any final incidental expenses shall be transferred to the bond Fund and be applied to the reduction of all assessments (such reduction shall include a refund to those persons who paid their assessments in cash) and then to the redemption of the Bonds.
- Section 9. All action and all prior acts of the Board, the Superintendent of Streets, and the District Engineer are hereby ratified and confirmed.
- Section 10. The Board ratifies the certification of the assessment roll by the Superintendent of Streets.
- Section 11. The Board hereby ratifies all proceedings taken in this matter to date.
- Section 12. the Board ratifies the acts of the Chairman in signing the contract for the construction of the improvements within the District.
- Section 13. The Chairman of the Board, and the Clerk of the Board are hereby authorized to execute the Closing Certificates for the sale of the Bonds.
- Section 14. The Board of the District hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986. The District certifies that it

reasonably anticipates that the aggregate amount of qualified tax-exempt obligations (as defined in Section 265(b)(3) of the Internal Revenue Code of 1986) which will be issued for or by the District in calendar year 1995 will not exceed \$10,000.00.

ADOPTED this 5th day of September, 1995.

HOMESTEAD COUNTY ROAD
IMPROVEMENT DISTRICT

by: 

Chairman, Homestead County Road Improvement
Improvement District, Navajo County, Arizona

ATTEST:

Clerk 

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